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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17 REARDEN LLC and REARDEN MOVA  
18 LLC,

19 Plaintiffs,

20 vs.

21 THE WALT DISNEY COMPANY, WALT  
DISNEY MOTION PICTURES GROUP,  
22 INC., BUENA VISTA HOME  
ENTERTAINMENT, INC., MARVEL  
23 STUDIOS, LLC, and MANDEVILLE FILMS,  
INC.,

24 Defendants.  
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Case No. 3:17-cv-04006-JST

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING DEFENDANTS'  
MOTIONS TO DISMISS PURSUANT TO  
FRCP 12(b)(6) OR, ALTERNATIVELY,  
TO STAY**

Judge: Hon. Jon S. Tigar

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**WHEREAS**, on July 17, 2017, Plaintiffs filed their complaint against Defendants (Dkt. 1) and Defendants were all served by July 31, 2017;

**WHEREAS**, on July 31, 2017, this Court found that the above-captioned case (*Rearden v. Disney*) is related to the following cases, which are now pending before this court (Dkt. 19):

- WHEREAS**, the Defendants in *Rearden v. Disney*, *Rearden v. Fox*, and *Rearden v. Paramount* all intend to file motions to dismiss the complaints pursuant to Fed. R. Civ. P. 12(b)(6), or, alternatively, to stay proceedings in those cases in the event the Court certifies the requested entry of judgment pursuant to Fed. R. Civ. P. 54(b) in *SHST v. Rearden* and also grants Virtual Global Holdings Limited’s forthcoming motion to stay proceedings in that case pending the disposition of an immediate appeal pursuant to Rule 54(b);

1       **WHEREAS**, the Defendants in *Rearden v. Disney*, *Rearden v. Fox*, and *Rearden v.*  
2 *Paramount* are represented by the same counsel and will be making similar arguments in support  
3 of their dismissal motions on common issues;

4       **WHEREAS**, counsel for Plaintiffs and for the Defendants in *Rearden v. Disney*, *Rearden*  
5 *v. Fox*, and *Rearden v. Paramount* have met and conferred regarding the most efficient way to file  
6 documents related to Defendants' upcoming motions to dismiss and have agreed upon the  
7 following procedure:

- 8       • Defendants in *Rearden v. Disney*, *Rearden v. Fox*, and *Rearden v. Paramount* will  
9       file the same consolidated Motion to Dismiss or Stay and supporting papers in all  
10       three cases;
- 11       • Plaintiffs will file the same consolidated Opposition and supporting papers in all  
12       three cases;
- 13       • Defendants will file the same consolidated Reply and supporting papers in all three  
14       cases; and
- 15       • Defendants' consolidated Motion to Dismiss or Stay will be within the applicable  
16       page and other limitations of this Court's Local Rules. Plaintiffs and Defendants  
17       presently intend for their consolidated Opposition and Reply papers, respectively,  
18       to be within the same limitations. This stipulation does not preclude either side  
19       from seeking an extension of those limitations, either by stipulation or Order based  
20       on good cause.

21       **WHEREAS**, the purpose of the foregoing procedure is to ensure that the Court and  
22 opposing counsel will need to review only one set of briefing papers in dealing with these Motions  
23 while preserving the record of each set of filings concerning the Motions in each of the respective  
24 case dockets;

25       **WHEREAS**, the parties further agree that if Defendants file their Rule 12(b)(6) motions  
26 on September 15, 2017, Plaintiffs' responsive brief and supporting materials will be due on  
27 October 16, 2017, Defendants' reply brief and supporting materials will be due on November 2,  
28 2017; and Defendants will notice the Motions for hearing on November 16, 2017, at 2:00 p.m.;

1       **WHEREAS**, the parties will confer with one another and the Courtroom Deputy regarding  
2 a procedure to propose to the Court in the Joint Case Management Statement regarding the  
3 coordination of all of the related cases so that parties may file documents in only one master  
4 docket;

5       **WHEREAS**, the Defendants in *Rearden v. Crystal Dynamics* are not represented by  
6 counsel for the Defendants in *Rearden v. Disney*, *Rearden v. Fox*, and *Rearden v. Paramount*, and  
7 therefore any motion directed to the pleading that Defendants in *Rearden v. Crystal Dynamics* will  
8 not present the need for a single consolidated brief; nevertheless, to ensure a coordinated briefing  
9 schedule and the need for the Court to consider and hear all motions directed to the pleadings at  
10 the same time, Plaintiffs will agree that briefing on any motion filed by the parties to *Rearden v.*  
11 *Crystal Dynamics* shall take place according to the same time and page-limit schedule set forth  
12 above;

13       **NOW THEREFORE**, for good cause, the parties in the *Rearden v. Disney*, *Rearden v.*  
14 *Fox*, and *Rearden v. Paramount* cases stipulate that the documents relevant to Defendants'  
15 motions to dismiss the complaints and Plaintiffs' responsive brief in these cases will be filed  
16 pursuant to the procedure and deadlines set forth above.

1 **IT IS SO STIPULATED.**

2 DATED: September 14, 2017

HAGENS BERMAN SOBOL SHAPIRO

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5 By: /s/ Mark S. Carlson  
6 MARK S. CARLSON

7 *Attorneys for Plaintiffs*

8 DATED: September 14, 2017

MUNGER, TOLLES & OLSON LLP

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11 By: /s/ Kelly M. Klaus  
12 KELLY M. KLAUS

13 *Attorneys for Defendants*

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15 **CIVIL LOCAL RULE 5-1 ATTESTATION**

16 I, Kelly M. Klaus, am the ECF user whose credentials were utilized in the electronic filing  
17 of this document. In accordance with Civil Local Rule 5-1(i)(3), I hereby attest that Mark S.  
18 Carlson concurred in the filing of this document.

19  
20 /s/ Kelly M. Klaus  
21 Kelly M. Klaus

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2  
3 DATED: September 15, 2017

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The Honorable Jon S. Tigar

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